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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-531**

13 **SANDRA ANN THOMAS**
230 Laurelwood Way
Vacaville, CA 95687

A C C U S A T I O N

14 **Registered Nurse License No. 608963**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about November 6, 2002, the Board of Registered Nursing issued Registered
23 Nurse License Number 608963 to Sandra Ann Thomas (Respondent). The Registered Nurse
24 License expired on October 31, 2004, and has not been renewed.
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1 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

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3 “(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
4 against a health care professional license or certificate by another state or territory of the United
5 States, by any other government agency, or by another California health care professional
6 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
7 action.”

8 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

9 9. Code section 4021 states:

10 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
11 11053) of Division 10 of the Health and Safety Code.”

12 10. Code section 4022 provides:

13 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in
14 humans or animals, and includes the following:

15 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
16 prescription,’ ‘Rx only’ or words of similar import.

17 “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale
18 by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

19 “(c) Any other drug or device that by federal or state law can be lawfully dispensed
20 only on prescription or furnished pursuant to Section 4006.”

21 11. Cocaine is Schedule II controlled substance and narcotic as designated by Health and
22 Safety Code section 11055, subdivision (b)(6), a dangerous drug within the meaning of Code
23 section 4022.

24 COST RECOVERY

25 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 FIRST CAUSE FOR DISCIPLINE
4 (Unprofessional Conduct – Out of State Discipline)
5 (Bus. & Prof. Code § 2761, subd. (a)(4))

6 13. Respondent has subjected her registered nurse license to disciplinary action under
7 Code section 2761, subdivision (a)(4), in that on or about December 16, 2010, in a disciplinary
8 action before the Michigan Board of Nursing Disciplinary Subcommittee (Michigan Board), File
9 Number 47-10-118468, the Michigan Board entered an Order of Summary Suspension,
10 summarily suspending Respondent's license to practice as a registered nurse in the State of
11 Michigan. After careful consideration of the documentation filed in the action and after
12 consultation with the Chairperson of the Michigan Board, the Michigan Board determined that
13 the public health, safety, or welfare required emergency action, which consisted of summarily
14 suspending Respondent's license to practice as a registered nurse. The documentation filed in the
15 action included the Administrative Complaint, which alleged the following:

16 14. On or about July 25, 2006, while working as a registered nurse in Ann Arbor,
17 Michigan, staff members observed Respondent exhibiting unusual behavior. Respondent was
18 required to submit to a drug screen, which tested positive for Cocaine. Respondent subsequently
19 entered her employer's Employee Assistance Program and was referred to the Michigan Board's
20 Health Professional Recovery Program (HPRP). Respondent was thereafter diagnosed with
21 alcohol dependency and cocaine abuse. On November 3, 2006, Respondent entered the HPRP
22 monitoring agreement. From February 6, 2007, through October 13, 2010, Respondent failed to
23 comply with the terms of the HPRP monitoring agreement in that she submitted several positive
24 drug screens for Cocaine, admitted to relapsing several times, failed to submit required
25 documentation, submitted diluted urine samples, and failed to call the drug testing facility or to
26 submit to required drug tests on multiple occasions.
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SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct – Out of State Discipline)
(Bus. & Prof. Code § 2761, subd. (a)(4))

15. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about June 14, 2011, in a disciplinary action before The Eligibility and Disciplinary Committee of the Texas Board of Nursing (Texas Board), the Texas Board entered an Order revoking Respondent's Permanent Certificate to practice professional nursing in the State of Texas. The Texas Board's Order was based upon Respondent's failure to appear following Formal Charges filed by the Texas Board.

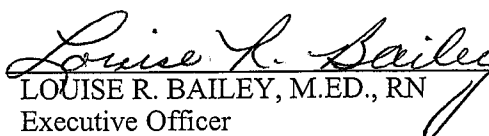
16. The Formal Charges filed against Respondent by the Texas Board charged that on or about December 16, 2010, the Michigan Board entered an Order of Summary Suspension against Respondent's Michigan license to practice professional nursing. The Texas Board's Order adopted the proposed findings of fact and conclusions of law as stated in the Formal Charges.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 608963, issued to Sandra Ann Thomas;
2. Ordering Sandra Ann Thomas to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: DECEMBER 27, 2012


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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